

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RUSSELL LEMONT RICE,

Plaintiff,

Case No. 20-cv-10736

Hon. Matthew F. Leitman

v.

MICHIGAN DEPARTMENT  
OF CORRECTIONS, *et al.*,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S  
MOTION TO APPOINT COUNSEL (ECF No. 3)**

In this prisoner civil-rights action, Plaintiff Russell Lemont Rice alleges that Defendants violated his constitutional rights by, among other things, wrongfully removing funds from his prison bank account. (*See* Compl., ECF No. 1.) Rice has now requested that the Court appoint him counsel. (*See* Mot., ECF No. 3.)

Pursuant to 28 U.S.C. § 1915, “[t]he court *may* request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1) (emphasis added). “Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993) (internal quotations and citations omitted). *See also Lanier v. Bryant*, 332 F.3d 999, 1006 (6th Cir. 2003) (affirming order denying prisoner’s motion to appoint counsel in civil action). Relevant considerations

include the type of case, the plaintiff's ability to represent himself, the complexity of the factual and legal issues involved, and the claim's relative merits. *See Lavado*, 992 F.2d at 605-06.

Here, Rice has not yet established that "exceptional circumstances" warrant the appointment of counsel. Nor has he yet shown that he is unable to represent himself in this action. Thus, the Court is not yet persuaded that the appointment of counsel is necessary or appropriate at this time.

For all of the reasons stated above, Rice's motion to appoint counsel (ECF No. 3) is **DENIED WITHOUT PREJUDICE**. Rice may renew his motion, if appropriate, at a later stage of this litigation.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 28, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 28, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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